

**To:** Dorka, Lilian[Dorka.Lilian@epa.gov]; Packard, Elise[Packard.Elise@epa.gov]  
**From:** O'Lone, Mary  
**Sent:** Wed 1/11/2017 7:55:32 PM  
**Subject:** REACH - Shouldn't someone give NC DEQ a heads up the letter is coming?

Perhaps we should line up R4 to do that.

It might improve our chances of working constructively with them going forward.

Thanks, Mary

Mary M. O'Lone

Civil Rights and Finance Law Office

Office of General Counsel, US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

February 20, 2015

**Return Receipt Requested**

Certified Mail#: 7006-3450-0003-3868-5417

**In Reply Refer to:**

EPA File No. 11R-14-R4

Marianne Engleman Lado  
and Jocelyn D'Ambrosio  
Earthjustice  
48 Wall Street, 19<sup>th</sup> Floor  
New York, New York 10005

**Re: Notification of Acceptance of Administrative Complaint**

Dear Ms. Lado and Ms. D'Ambrosio:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), is accepting your September 3, 2014, administrative complaint, 11R-14-R4, filed against the North Carolina Department of Environment and Natural Resources (DENR). The complaint generally alleges that DENR violated Title VI of the Civil Rights Act of 1964, as amended, 42 United States Code 2000d *et seq.*, and the EPA's nondiscrimination regulations found at 40 Code of Federal Regulations (C.F.R.) Part 7.

Pursuant to the EPA's nondiscrimination regulations, OCR conducts a preliminary review of administrative complaints for acceptance, rejection, or referral to the appropriate agency. *See* 40 C.F.R. §7.120(d)(1). OCR accepts for investigation complaints that meet the four jurisdictional requirements described in the EPA's nondiscrimination regulations. First, the complaint must be in writing. *See* 40 C.F.R. §7.120(b)(1). Second, the complaint must describe an alleged discriminatory act that, if true, may violate the EPA's nondiscrimination regulations (*e.g.*, an alleged discriminatory act based on race, color, national origin, sex, age, or disability). *Id.* Third, the complaint must be filed within 180 calendar days of the alleged act. *See* 40 C.F.R. §7.120(b)(2). Finally, the complaint must be against an applicant for, or a recipient of, EPA financial assistance that allegedly committed the discriminatory act. *See* 40 C.F.R. §7.15.

After careful consideration, the EPA is accepting the following allegation for investigation:

- North Carolina DENR's regulation of swine feeding operations discriminates against African Americans, Latinos, and Native Americans on the basis of race and national origin in neighboring counties and violates Title VI and EPA's implementing regulations.

CONCURRENCES							
SYMBOL	▶	LD	2/20/15				1201A
SURNAME	▶		LDH				
DATE	▶		2/20/15				2/20/2015

EPA Form 1320-1A (1/90) Printed on Recycled Paper OFFICIAL FILE COPY

## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

February 20, 2015

**Return Receipt Requested**

Certified Mail#: 7006-3450-0003-3868-5424

**In Reply Refer to:**

EPA File No.: 11R-14-R4

Donald R. van der Vaart  
 Secretary  
 North Carolina Department of Environment and  
 Natural Resources  
 1611 Mail Service Center  
 Raleigh, NC 27699-1611

**Re: Notification of Acceptance of Administrative Complaint**

Dear Secretary van der Vaart,

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), is accepting an administrative complaint, 11R-14-R4, filed against the North Carolina Department of Environment and Natural Resources (DENR) dated September 3, 2014. The complaint generally alleges that DENR violated Title VI of the Civil Rights Act of 1964, as amended, 42 United States Code 2000d *et seq.*, and the EPA's nondiscrimination regulations found at 40 Code of Federal Regulations (C.F.R.) Part 7.

Pursuant to the EPA's nondiscrimination regulations, OCR conducts a preliminary review of administrative complaints for acceptance, rejection, or referral to the appropriate agency. *See* 40 C.F.R. §7.120(d)(1). OCR accepts for investigation complaints that meet the four jurisdictional requirements described in the EPA's nondiscrimination regulations. First, the complaint must be in writing. *See* 40 C.F.R. §7.120(b)(1). Second, the complaint must describe an alleged discriminatory act that, if true, may violate the EPA's nondiscrimination regulations (*e.g.*, an alleged discriminatory act based on race, color, national origin, sex, age, or disability). *Id.* Third, the complaint must be filed within 180 calendar days of the alleged act. *See* 40 C.F.R. §7.120(b)(2). Finally, the complaint must be against an applicant for, or a recipient of, EPA financial assistance that allegedly committed the discriminatory act. *See* 40 C.F.R. §7.15.

After careful consideration, the EPA is accepting the following allegation for investigation:

- North Carolina DENR's regulation of swine feeding operations discriminates against African Americans, Latinos, and Native Americans on the basis of race and national origin in neighboring communities and violates Title VI and EPA's implementing regulations.

CONCURRENCES							
SYMBOL	✓	2/20/15					1201A
SURNAME							
DATE		2/20/15					2/20/2015

EPA Form 1320-1A (1/90) Printed on Recycled Paper OFFICIAL FILE COPY

**To:** Dorka, Lilian[Dorka.Lilian@epa.gov]; Golightly-Howell, Velveta[Golightly-Howell.Velveta@epa.gov]  
**Cc:** Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]; Matthew, Dayna[Matthew.Dayna@epa.gov]; O'Lone, Mary[OLone.Mary@epa.gov]; Rhodes, Julia[Rhodes.Julia@epa.gov]; Packard, Elise[Packard.Elise@epa.gov]  
**From:** Whickum, Cheryl  
**Sent:** Fri 2/20/2015 3:12:05 PM  
**Subject:** RESPONSE \_ Reach Ltrs

A Warm & Hearty.

Ms. Lilian:

Per your request, hard copies of the above have been hand-delivered to your office.

Thank you,

---

*Cheryl Whickum*

*U. S. EPA*

*Office of Civil Rights*

*1200 Pennsylvania Ave, NW*

*WJC-North, Rm 2450, Mail Code: 1201A*

*Washington, DC 20460*

*202-564-4366 (Direct Line)*

*202-564-7272 (Office Line)*

*202-501-1836 (Fax Line)*

**From:** Dorka, Lilian  
**Sent:** Friday, February 20, 2015 9:52 AM  
**To:** Golightly-Howell, Velveta  
**Cc:** Wooden-Aguilar, Helena; Matthew, Dayna; O'Lone, Mary; Rhodes, Julia; Packard, Elise; Whickum, Cheryl  
**Subject:** FW: REACH LETTERS  
**Importance:** High

Hi Velveta, here are the letters with the additional edit removing the "stakeholder" language but preserving the "recipient" language per Gwen's request. I have asked Cheryl to run these in final so that you can sign them and we can get Marianne's letter over to her ASAP. Thanks!  
Lilian

**From:** KeyesFleming, Gwendolyn  
**Sent:** Friday, February 20, 2015 6:54 AM  
**To:** Dorka, Lilian  
**Cc:** Matthew, Dayna; Reeder, John; Golightly-Howell, Velveta; Wooden-Aguilar, Helena; Packard, Elise; Rhodes, Julia; O'Lone, Mary; Carter, Asha  
**Subject:** Re: REACH LETTERS

You can change it but let's make sure that the recipient is still specifically listed as someone we'll talk to.

Sent from my iPhone

On Feb 20, 2015, at 6:10 AM, "Dorka, Lilian" <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)> wrote:

## Ex. 5 - Deliberative Process

Otherwise, are u comfortable releasing the letter this morning? Thanks! Lilian

Sent from my iPhone

On Feb 19, 2015, at 11:01 PM, KeyesFleming, Gwendolyn  
<[KeyesFleming.Gwendolyn@epa.gov](mailto:KeyesFleming.Gwendolyn@epa.gov)> wrote:

## Ex. 5 - Deliberative Process

Sent from my iPhone

On Feb 19, 2015, at 9:48 PM, "Dorka, Lilian" <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)> wrote:

Sent from my iPhone

On Feb 19, 2015, at 7:29 PM, Matthew, Dayna <[Matthew.Dayna@epa.gov](mailto:Matthew.Dayna@epa.gov)> wrote:

Gwen,

Velveta has reviewed these drafts of the two REACH letters and asked me to forward them to you since her phone battery is dead. You will find a copy that includes tracked changes, and a "clean" copy for each letter attached. These drafts are based on a later version of the letters than you sent yesterday evening. The later version was created in late November or early December and includes changes based on your meetings then with Avi and the Administrator, which you then asked us to incorporate. Therefore we used these later versions instead of the draft you sent yesterday.

Lilian has supplemented these drafts with the changes you requested, and deleted redundant language.

**Ex. 5 - Deliberative Process**

## Ex. 5 - Deliberative Process

Please let us know when these are ready for Velveta's signature and release.

Thank you,

Dayna

Dayna Bowen Matthew

Senior Advisor to Director Office of Civil Rights

Environmental Protection Agency

1200 Pennsylvania Avenue, NW

Room 2524B

Washington, D.C. 20460

Tel: 202-564-9621

<Lado Marianne Ltr - Re \_ Reach - EPA File No \_ 11R-14-R4 doc  
FINAL 2-19-15 TRACKED.doc>

<Lado Marianne Ltr - Re \_ Reach - EPA File No \_ 11R-14-R4 doc  
FINAL 2-19-15 CLEAN (2).doc>

<Vaart Donald Ltr - Re \_ Reach - EPA File No \_ 11R-14-R4 doc  
FINAL 2-19-15 TRACKED.doc>

<Vaart Donald Ltr - Re \_ Reach - EPA File No \_ 11R-14-R4 doc  
FINAL 2-19-15 CLEAN.doc>

**To:** Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]; Dorka, Lilian[Dorka.Lilian@epa.gov]  
**Cc:** Rhodes, Julia[Rhodes.Julia@epa.gov]  
**From:** O'Lone, Mary  
**Sent:** Thur 2/19/2015 9:10:39 PM  
**Subject:** draft of REACH email for Administrator's Ag. Advisor (Ron Carlton)

Ron-

I wanted to let you know that today EPA's Office of Civil Rights (OCR) will issue the attached letters accepting for investigation one allegation and requesting clarification on another made in the Title VI complaint filed in September 2014 by Earthjustice regarding alleged discrimination related to swine feeding operations in North Carolina. Specifically, OCR will investigate whether:

- North Carolina DENR's regulation of swine feeding operations discriminates against African Americans, Latinos, and Native Americans on the basis of race and national origin in neighboring communities and violates Title VI and EPA's implementing regulations.

OCR would like to be able to tap into existing EPA expertise with CAFO issues. The investigation is on a tight timeframe and we are looking for those in EPA who have the background and experience to assist us as we navigate what we anticipate will be controversial and potentially high profile issues. In the near future, Helena Wooden-Aguilar of my staff or Mary O'Lone of OGC will contact you to set up some time to discuss this complaint and some of the issues it raises.

On the off chance that a reporter makes their way to you, please refer any press inquiries directly to Jennifer Colaizzi in OPA (202-564-7776). Jennifer is prepared to field all inquiries about this case.

We look forward to working with you.

Mary O'Lone

Civil Rights and Finance Law Office



Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

**To:** Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]; Dorka, Lilian[Dorka.Lilian@epa.gov]  
**Cc:** Rhodes, Julia[Rhodes.Julia@epa.gov]  
**From:** O'Lone, Mary  
**Sent:** Thur 2/19/2015 8:19:25 PM  
**Subject:** RE: draft REACH email to OEJ (Matthew)

Do you have a list of the DCROs? I don't so I don't even know Betsy's last name.

Easiest thing to do is when you forward each email to her, in the subject line you write the email address of who she is to send it to. You attach the letters to each email.

Then she keeps the content of the email (the letters will stay attached), change the subject line, & wipe out your portion of the email until it appears to come from her.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

**From:** Wooden-Aguilar, Helena  
**Sent:** Thursday, February 19, 2015 3:13 PM  
**To:** Dorka, Lilian; O'Lone, Mary  
**Cc:** Rhodes, Julia  
**Subject:** RE: draft REACH email to OEJ (Matthew)

She does not have a list of names, which is what she needed from me I think. I am open to what

you think is the easiest way to ensure she has the list of names, the email addresses, and the email (with the letters).

**From:** Dorka, Lilian  
**Sent:** Thursday, February 19, 2015 3:12 PM  
**To:** Wooden-Aguilar, Helena; O'Lone, Mary  
**Cc:** Rhodes, Julia  
**Subject:** RE: draft REACH email to OEJ (Matthew)

Thanks! I figured that's who it was but will V know so that she can send them to all the right people? Does she have a list of names?

**From:** Wooden-Aguilar, Helena  
**Sent:** Thursday, February 19, 2015 3:10 PM  
**To:** Dorka, Lilian; O'Lone, Mary  
**Cc:** Rhodes, Julia  
**Subject:** RE: draft REACH email to OEJ (Matthew)

Velveta is supposed to send out and Matthew is the Director of OEJ (Matthew Tejada).

**From:** Dorka, Lilian  
**Sent:** Thursday, February 19, 2015 3:09 PM  
**To:** O'Lone, Mary; Wooden-Aguilar, Helena  
**Cc:** Rhodes, Julia  
**Subject:** RE: draft REACH email to OEJ (Matthew)

Remind me again who is supposed to send these emails out? Velveta? If so, she will know who the various folks are right, like "Matthew?" Thanks Mary!

**From:** O'Lone, Mary  
**Sent:** Thursday, February 19, 2015 3:07 PM  
**To:** Wooden-Aguilar, Helena; Dorka, Lilian

**Cc:** Rhodes, Julia

**Subject:** draft REACH email to OEJ (Matthew)

## **Ex. 5 - Attorney Client/ Deliberative**

## **Ex. 5 - Attorney Client/ Deliberative**

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992



**To:** Dorka, Lilian[Dorka.Lilian@epa.gov]  
**From:** Packard, Elise  
**Sent:** Thur 12/29/2016 10:13:22 PM  
**Subject:** RE: NEED YOUR ASSISTANCE WITH REVIEW OF OCR LETTER OF CONCERN TO BE SENT TO NC DEQ REGRDING SWINE OPERATION CASE.

We are hoping to have comments tomorrow from Region 4. As soon as we have them

Ex. 5 - Deliberative Process

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

Have a Happy New Year.

Elise

Elise B. Packard

Associate General Counsel for Civil Rights and Finance

U.S. EPA Office of General Counsel, Rm. 7353C

(202) 564-7729

**From:** Dorka, Lilian  
**Sent:** Thursday, December 29, 2016 5:10 PM  
**To:** Packard, Elise <Packard.Elise@epa.gov>  
**Subject:** FW: NEED YOUR ASSISTANCE WITH REVIEW OF OCR LETTER OF CONCERN TO BE SENT TO NC DEQ REGRDING SWINE OPERATION CASE.

Hi Elise – is Mary back on Tuesday so that we can pick up with the REACH letter? We will likely have comments from Region 4 then too.

Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

**From:** Robbins, Chris

**Sent:** Thursday, December 29, 2016 11:19 AM

**To:** Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>

**Cc:** Lackey, Leila <[Lackey.Leila@epa.gov](mailto:Lackey.Leila@epa.gov)>; Fegley, Robert <[Fegley.Robert@epa.gov](mailto:Fegley.Robert@epa.gov)>; O'Lone, Mary <[OLone.Mary@epa.gov](mailto:OLone.Mary@epa.gov)>; Packard, Elise <[Packard.Elise@epa.gov](mailto:Packard.Elise@epa.gov)>; Isales, Daniel <[Isales.Daniel@epa.gov](mailto:Isales.Daniel@epa.gov)>; Temple, Kurt <[Temple.Kurt@epa.gov](mailto:Temple.Kurt@epa.gov)>; Covington, Jeryl <[Covington.Jeryl@epa.gov](mailto:Covington.Jeryl@epa.gov)>; Deener, Kathleen <[Deener.Kathleen@epa.gov](mailto:Deener.Kathleen@epa.gov)>; Kavlock, Robert <[Kavlock.Robert@epa.gov](mailto:Kavlock.Robert@epa.gov)>

**Subject:** RE: NEED YOUR ASSISTANCE WITH REVIEW OF OCR LETTER OF CONCERN TO BE SENT TO NC DEQ REGRDING SWINE OPERATION CASE.

Hi Lilian,

Thank you for the opportunity to review the draft Letter of Concern. We met with our folks this morning and based on our discussion have made some revisions. Attached please find those edits/comments, **Ex. 5 - Deliberative Process**

Should you have any questions, please don't hesitate to contact me or have your staff contact Leila Lackey at 202-564-5957.

Thanks and have a great weekend!

Chris

Chris Robbins

Deputy Assistant Administrator for Management (Acting)

Office of Research and Development

(919) 541-0605

(202) 564 6141

[robbins.chris@epa.gov](mailto:robbins.chris@epa.gov)

**From:** Dorka, Lilian

**Sent:** Thursday, December 22, 2016 1:38 PM

**To:** Robbins, Chris <[Robbins.Chris@epa.gov](mailto:Robbins.Chris@epa.gov)>

**Cc:** Lackey, Leila <[Lackey.Leila@epa.gov](mailto:Lackey.Leila@epa.gov)>; Fegley, Robert <[Fegley.Robert@epa.gov](mailto:Fegley.Robert@epa.gov)>; O'Lone, Mary <[OLone.Mary@epa.gov](mailto:OLone.Mary@epa.gov)>; Packard, Elise <[Packard.Elise@epa.gov](mailto:Packard.Elise@epa.gov)>; Isales, Daniel <[Isales.Daniel@epa.gov](mailto:Isales.Daniel@epa.gov)>; Temple, Kurt <[Temple.Kurt@epa.gov](mailto:Temple.Kurt@epa.gov)>; Covington, Jeryl <[Covington.Jeryl@epa.gov](mailto:Covington.Jeryl@epa.gov)>

**Subject:** NEED YOUR ASSISTANCE WITH REVIEW OF OCR LETTER OF CONCERN TO BE SENT TO NC DEQ REGRDING SWINE OPERATION CASE.

**Importance:** High

Hi Chris, hope you are doing well! First, I want to thank you as well as Leila Lackey and Robert Fegley for ORD's assistance and support as we investigate and try to resolve this high priority case involving NC DEQ's administration of the swine feeding operations in their state.

**Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

I am asking for your further assistance in reviewing the attached draft letter and the references to ORD and ORD information. I would greatly appreciate your help and comments on this. Again, thank you and hope you have a wonderful Holiday! Lilian



**To:** Dorka, Lilian[Dorka.Lilian@epa.gov]  
**Cc:** Lackey, Leila[Lackey.Leila@epa.gov]; Fegley, Robert[Fegley.Robert@epa.gov]; O'Lone, Mary[OLone.Mary@epa.gov]; Packard, Elise[Packard.Elise@epa.gov]; Isales, Daniel[Isales.Daniel@epa.gov]; Temple, Kurt[Temple.Kurt@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Deener, Kathleen[Deener.Kathleen@epa.gov]; Kavlock, Robert[Kavlock.Robert@epa.gov]  
**From:** Robbins, Chris  
**Sent:** Thur 12/29/2016 4:18:41 PM  
**Subject:** RE: NEED YOUR ASSISTANCE WITH REVIEW OF OCR LETTER OF CONCERN TO BE SENT TO NC DEQ REGRDING SWINE OPERATION CASE.  
[draft REACH LOC to NC DEQ 2016\\_DORKA ADDITIONAL COMMENTS TO LATEST DRAF....docx](#)

Hi Lilian,

Thank you for the opportunity to review the draft Letter of Concern. We met with our folks this morning and based on our discussion have made some revisions. Attached please find those edits/comments, **Ex. 5 - Deliberative Process**

Should you have any questions, please don't hesitate to contact me or have your staff contact Leila Lackey at 202-564-5957.

Thanks and have a great weekend!

Chris

Chris Robbins

Deputy Assistant Administrator for Management (Acting)

Office of Research and Development

(919) 541-0605

(202) 564 6141

robbins.chris@epa.gov

**From:** Dorka, Lilian

**Sent:** Thursday, December 22, 2016 1:38 PM

**To:** Robbins, Chris <Robbins.Chris@epa.gov>

**Cc:** Lackey, Leila <Lackey.Leila@epa.gov>; Fegley, Robert <Fegley.Robert@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>

**Subject:** NEED YOUR ASSISTANCE WITH REVIEW OF OCR LETTER OF CONCERN TO BE SENT TO NC DEQ REGRDING SWINE OPERATION CASE.

**Importance:** High

Hi Chris, hope you are doing well! First, I want to thank you as well as Leila Lackey and Robert Fegley for ORD's assistance and support as we investigate and try to resolve this high priority case involving NC DEQ's administration of the swine feeding operations in their state.

**Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

I am asking for your further assistance in reviewing the attached draft letter and the references to ORD and ORD information. I would greatly appreciate your help and comments on this. Again, thank you and hope you have a wonderful Holiday! Lilian

**To:** Dorka, Lilian[Dorka.Lilian@epa.gov]; O'Lone, Mary[OLone.Mary@epa.gov]; Packard, Elise[Packard.Elise@epa.gov]; Shenkman, Ethan[Shenkman.Ethan@epa.gov]  
**Cc:** Temple, Kurt[Temple.Kurt@epa.gov]; Wilson, Adam[wilson.adam@epa.gov]  
**From:** Isales, Daniel  
**Sent:** Thur 12/22/2016 6:27:42 PM  
**Subject:** RE: REACH - updated draft letter, but did not send it out.

For what it's worth, I don't have any concerns in distributing this version of the draft letter, with the caveats you mention, to Region 4. This is a tough time to reach people and the sooner we get this draft circulating, the sooner we can come to some agreement on it. Thanks, Dan

Daniel L. Isales (3RC60)

United States Environmental Protection Agency, Region III

Environmental Science Center

701 Mapes Road

Fort Meade, Maryland 20755-5350

(410) 305-3016

Isales.daniel@epa.gov

**From:** Dorka, Lilian  
**Sent:** Thursday, December 22, 2016 1:23 PM  
**To:** O'Lone, Mary <OLone.Mary@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Shenkman, Ethan <Shenkman.Ethan@epa.gov>  
**Cc:** Isales, Daniel <Isales.Daniel@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>  
**Subject:** Re: REACH - updated draft letter, but did not send it out.  
**Importance:** High

Thanks for incorporating all of my comments Mary! I have just a few more comments - most minor. I will send tis to Chris Robbins and copy the folks in ORD with who you have been working, to get their read and concurrence on the language we have in the letter referring to ORD's review of the studies. Also, I think I need to send a draft for

review to Region 4 sooner rather than later. Maybe I should send this draft and make clear that Ethan has not commented and ORD has not verified the statements attributed to them? Anyone have concerns?

Finally, I am copying Ethan on this because I think this version is much easier to read and comment on than the version he has.

Thanks! Lilian

---

**From:** O'Lone, Mary  
**Sent:** Wednesday, December 21, 2016 8:17 PM  
**To:** Dorka, Lilian; Packard, Elise  
**Cc:** Isales, Daniel; Temple, Kurt; Wilson, Adam  
**Subject:** REACH - updated draft letter, but did not send it out.

Lilian-

I have not heard back from Ethan or CRD. I am asking Elise (by putting her on this email) to see if she can figure out tomorrow or Friday if Ethan has any comments before you send it to R4. I do not know exactly where we wound up on recommendations and if we want them what we think they might say (see my long winded note below).

Therefore, I have not circulated this to ORD. Plus I think it would be better coming from you to the ORD DCRO (ccing Leila Lackey & Robert Fegley – they are the ones who sent me the document I am quoting/paraphrasing).

I did send this updated draft to CRD, b/c I have no idea if anyone has looked at the past one or plans to look at this one.

Here are the changes from the last draft:

## **Ex. 5 - Attorney Client/ Deliberative**

## **Ex. 5 - Attorney Client/ Deliberative**

This note below is also included in a comment bubble. It applies to what recommendations if any we make in this letter.

## **Ex. 5 - Attorney Client/ Deliberative**

## **Ex. 5 - Attorney Client/ Deliberative**

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## **Ex. 5 - Attorney Client/ Deliberative**

You know how to reach me. Have a great holiday.

Thanks, Mary

Mary M. O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

**To:** Dorka, Lilian[Dorka.Lilian@epa.gov]  
**From:** Temple, Kurt  
**Sent:** Tue 12/13/2016 7:44:42 PM  
**Subject:** Re: new draft of REACH letter

Will do

---

**From:** Dorka, Lilian  
**Sent:** Tuesday, December 13, 2016 2:43 PM  
**To:** Temple, Kurt  
**Subject:** Re: new draft of REACH letter

Thanks! You may want to send to Dan Isales as well in case he is working with Mary on it.

Sent from my iPhone

On Dec 13, 2016, at 1:23 PM, Temple, Kurt <[Temple.Kurt@epa.gov](mailto:Temple.Kurt@epa.gov)> wrote:

Mary: I provided some comments on the last version of the letter that I have. See attached and my earlier email to you today. My comments include some oral comments that Lilian relayed to me this morning.

Kurt

---

**From:** Temple, Kurt  
**Sent:** Tuesday, December 13, 2016 11:38:01 AM  
**To:** O'Lone, Mary  
**Subject:** Re: new draft of REACH letter

Mary: Is the latest version of the REACH letter the one that is attached to this chain? I just spoke to Lilian. She is on the road and gave me a few comments. She will likely not be able to look at it today. She will look at it whatever the latest is when she gets back. So that being said, I want to review your latest, provide any comments that I have, so that you can then share forward. Lilian also mentioned getting a draft to Ken by Thursday.

Thanks, Kurt

---

**From:** O'Lone, Mary  
**Sent:** Monday, December 12, 2016 7:53:18 AM  
**To:** Dorka, Lilian; Isales, Daniel  
**Cc:** Rhodes, Julia; Temple, Kurt; Covington, Jeryl; Farrell, Ericka  
**Subject:** RE: new draft of REACH letter

Will look at letter with your comments in mind.

I can flip it around to say this is what our investigation has found and at the end somehow say what we've said above should address your questions of X, Y, Z. And we already addressed your arguments about A & B last time.

Can you get your hotel to print out a version by hooking up your phone? Then they can print it out for you, then you fax back a markup?

Will run next version by my chain & then to Ken et al.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

**From:** Dorka, Lilian  
**Sent:** Sunday, December 11, 2016 9:39 PM  
**To:** O'Lone, Mary <[OLone.Mary@epa.gov](mailto:OLone.Mary@epa.gov)>; Isales, Daniel <[Isales.Daniel@epa.gov](mailto:Isales.Daniel@epa.gov)>  
**Cc:** Rhodes, Julia <[Rhodes.Julia@epa.gov](mailto:Rhodes.Julia@epa.gov)>; Temple, Kurt



<Temple.Kurt@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>

**Subject:** Re: new draft of REACH letter

Hi folks I didn't get to finish reviewing the letter on Friday and unfortunately I left my mark up at home by mistake. I am now in Atlanta and unable to open the draft from the hotel computer. I will try and finish reading it on my phone but not easy. All this to say that I don't know if I will be able to send comments to you Mary by tomorrow.

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Thanks!

Sent from my iPhone

On Dec 9, 2016, at 9:50 AM, Dorka, Lilian <Dorka.Lilian@epa.gov> wrote:

## Ex. 5 - Deliberative Process

Re- reading now and after my 10 meeting and will send comments.

Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

**From:** O'Lone, Mary

**Sent:** Friday, December 09, 2016 9:06 AM

**To:** Isales, Daniel <[Isales.Daniel@epa.gov](mailto:Isales.Daniel@epa.gov)>; Dorka, Lilian  
<[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>

**Cc:** Rhodes, Julia <[Rhodes.Julia@epa.gov](mailto:Rhodes.Julia@epa.gov)>

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All-

I have addressed Dan's comments where I had something to add.

I adopted his editorial changes.

So please review this copy.

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

---

**From:** Isales, Daniel  
**Sent:** Friday, December 9, 2016 8:31:55 AM  
**To:** O'Lone, Mary; Dorka, Lilian  
**Cc:** Rhodes, Julia  
**Subject:** RE: new draft of REACH letter

Letter with some additional suggestions/thoughts attached. I would suggest that the letter also be circulated to Jeryl, Ericka and Kurt at this time, but Lilian that is obviously your call. Thanks, Dan

Daniel L. Isales (3RC60)

United States Environmental Protection Agency, Region III

Environmental Science Center

701 Mapes Road

Fort Meade, Maryland 20755-5350

(410) 305-3016

[Isales.daniel@epa.gov](mailto:Isales.daniel@epa.gov)

**From:** O'Lone, Mary  
**Sent:** Thursday, December 08, 2016 10:47 PM  
**To:** Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>; Isales, Daniel <[Isales.Daniel@epa.gov](mailto:Isales.Daniel@epa.gov)>  
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can process them & get a draft out to my chain on Tuesday. I haven't circulated beyond you two (and now Julia). I don't know how you would like to incorporate the rest of the OCR team in the review. I leave that to you two.

## **Ex. 5 - Attorney Client/ Deliberative**

I will continue to re-read the incoming letter to make sure that our letter addresses all the major points, but let me know if I missed something.

FYI, the NC administration changes January 7<sup>th</sup>.

Thanks, Mary

Mary O'Lone

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<draft Dec 2016 letter to NC DEQ 2016.12.08 dli.mmo.docx>

<draft Dec 2016 letter to NC DEQ 2016.12.13 dli mmo ktt.docx>

**To:** O'Lone, Mary[OLone.Mary@epa.gov]  
**Cc:** Dorka, Lilian[Dorka.Lilian@epa.gov]  
**From:** Temple, Kurt  
**Sent:** Tue 12/13/2016 6:23:31 PM  
**Subject:** Re: new draft of REACH letter  
[draft Dec 2016 letter to NC DEQ 2016.12.13 dli mmo ktt.docx](#)

Mary: I provided some comments on the last version of the letter that I have. See attached and my earlier email to you today. My comments include some oral comments that Lilian relayed to me this morning.

Kurt

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**From:** Temple, Kurt  
**Sent:** Tuesday, December 13, 2016 11:38:01 AM  
**To:** O'Lone, Mary  
**Subject:** Re: new draft of REACH letter

Mary: Is the latest version of the REACH letter the one that is attached to this chain? I just spoke to Lilian. She is on the road and gave me a few comments. She will likely not be able to look at it today. She will look at it whatever the latest is when she gets back. So that being said, I want to review your latest, provide any comments that I have, so that you can then share forward. Lilian also mentioned getting a draft to Ken by Thursday.

Thanks, Kurt

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**From:** O'Lone, Mary  
**Sent:** Monday, December 12, 2016 7:53:18 AM  
**To:** Dorka, Lilian; Isales, Daniel  
**Cc:** Rhodes, Julia; Temple, Kurt; Covington, Jeryl; Farrell, Ericka  
**Subject:** RE: new draft of REACH letter

Will look at letter with your comments in mind.

I can flip it around to say this is what our investigation has found and at the end somehow say what we've said above should address your questions of X, Y, Z. And we already addressed your arguments about A & B last time.

Can you get your hotel to print out a version by hooking up your phone? Then they can print it

out for you, then you fax back a markup?

Will run next version by my chain & then to Ken et al.

Mary O'Lone

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